

RECEIVED  
CENTRAL FAX CENTER

APR 23 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 23, 2004.

  
Rosalie A. Centeno, Secretary

In the Application of Joel S. Hochman et al

Ser.No.: 10/007,393

Filed: October 28, 2001

For: SYSTEM AND METHOD FOR TRANSDUCING, SENSING, OR AFFECTING VAGINAL OR BODY CONDITIONS, AND OR STIMULATING PERINEAL MUSCULATURE AND NERVES USING 2-WAY WIRELESS COMMUNICATIONS

Art Unit: 3736

Examiner: Charles Alan Marmor II

Commissioner for Patents

Alexandria VA 22313-1450

DECLARATION

I, Mohammed Badl, declare as follows:

1. I have earned a PhD from Stanford University in Electrical Engineering, where my coursework emphasis was on Communication Theory.
2. I am familiar with the subject matter of the above-identified application. In addition, I have carefully studied the Kobozev patent, 6,453,199.
3. Based on my knowledge and expertise, I hereby state that one of ordinary skill in the art would not consider the Kobozev patent when trying to provide a system and method for transducing vaginal conditions, affecting vaginal or body conditions, and stimulating perineal musculature and.

nerves. In particular, Kobozev would not be suitable for vaginal use. Kobozev is a gastro-intestinal tract stimulator, and applies electrical stimulation to the involuntary organs of the gastro-intestinal tract. The gastro-intestinal tract stimulator of Kobozev functions by moving down the gastro-intestinal tract and applies electrical stimulation to the involuntary organs of the gastro-intestinal tract. The gastro-intestinal tract stimulator of Kobozev functions by moving down the gastro-intestinal tract in order to stimulate involuntary peristaltic action where none or little exist. In contrast, an intravaginally containable probe such as the one described in the present application must inherently sit in place while it operates. Thus, I would conclude that the Kobozev device would be unsuitable for vaginal use, and one of ordinary skill in the art would not consider the patent.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application, the registration which issues thereon, or any application or registration to which this verified statement is directed.

M. Badi 4/22/2004

Mohammed Badi